

Application No.: 10/697,747

Docket No.: 65856-0051

**REMARKS**

Applicant has carefully reviewed the Office Action mailed February 23, 2005, and thanks Examiner Wright for his detailed review of the pending claims. In response to the Office Action, Applicant has amended claims 1 and 17. By way of this amendment, no new matter has been added. Accordingly, claims 1-20 remain pending in this application. Applicant respectfully requests reconsideration of the present application in view of the above amendment and the following remarks.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Hughes* '171. Applicants respectfully traverse the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1 and 17 respectively recite a method and a control system logic for predicting a destination gear in a transmission system where "both a partial and a full shift lever fore-aft position" is used in the determination of whether an intended shift is a compound shift. In support of this limitation, the Examiner's attention is directed to paragraph [0074], 1<sup>st</sup> sentence, and paragraph [0061], 1<sup>st</sup> and 2<sup>nd</sup> sentences, to illustrate that both the partial fore position 210 and the full fore position 208 are detected prior to determining shift intent.

*Hughes* does not teach the controller-assisted transmission system of the present invention. Specifically, *Hughes* teaches detecting only a single fore-aft position of the shift lever, and not "both a partial and a full shift lever fore-aft position". In addition, the present invention accomplishes both a compound shift and a lever shift without the complexity of *Hughes* where force sensors 57, 58 and a plunger 82 are used to ensure that the proper gear is selected and maintained.

Application No.: 10/697,747

Docket No.: 65856-0051

Dependent claims 2-16 and 18-20 teach independently patentable subject matter, although they are also patentable by being dependent on an allowable base claim. As an example, claim 12 recites "determining whether a downshift is allowed when the predicted destination gear is not greater than the last known gear." These teachings are not taught in the prior art of record. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

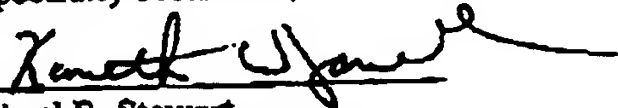
### CONCLUSION

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 65856-0051 from which the undersigned is authorized to draw.

Dated: May 23, 2005

Respectfully submitted,

By   
Michael B. Stewart  
Registration No.: 36,018  
Kenneth W. Jarrell  
Registration No.: 52,484  
RADER, FISHMAN & GRAUER PLLC  
39533 Woodward Avenue  
Suite 140  
Bloomfield Hills, Michigan 48304  
(248) 593-3310  
Attorneys for Applicant

R0292335.DOC